

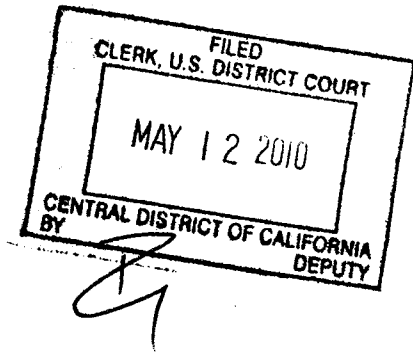
Matthew G. Monforton, Esq. (SBN 175518)  
Monforton Law Offices, PLLC  
32 Kelly Court  
Bozeman, Montana 59718  
Telephone: (406) 570-2949  
Facsimile: (406) 586-3869  
E-mail: [matthewmonforton@yahoo.com](mailto:matthewmonforton@yahoo.com)

Attorney for One Unnamed Deputy District  
Attorney and Association of Deputy District  
Attorneys

Gregory W. Smith (SBN 134385)  
Marla A. Brown (SBN 140158)  
LAW OFFICES OF GREGORY W. SMITH  
6300 Canoga Avenue, Suite 1590  
Woodland Hills, California 91367  
Telephone : (818) 712-4000  
Facsimile: (818) 712-4004  
E-mail: [mbrown@gwslegal.com](mailto:mbrown@gwslegal.com)

Christopher Brizzolara, Esq. (SBN 130304)  
1528 16th Street  
Santa Monica, California 90404  
Telephone: (310) 394-6447  
Facsimile: (310) 656-7701

Attorneys for Plaintiffs Steven J. Ipsen,  
Marc Debbaudt, Hyatt Seligman



1 UNITED STATES DISTRICT COURT  
2  
3 CENTRAL DISTRICT OF CALIFORNIA  
4  
5 WESTERN DIVISION

6 ONE UNNAMED DEPUTY DISTRICT )  
7 ATTORNEY; ASSOCIATION OF )  
8 DEPUTY DISTRICT ATTORNEYS, a )  
9 Los Angeles County Employee )  
10 Organization, STEVEN J. IPSEN, an )  
11 individual, MARC DEBBAUDT, an )  
12 individual, and HYATT SELIGMAN, an )  
13 individual, )

14 Plaintiffs,

15 v.

16 COUNTY OF LOS ANGELES; STEVE )  
17 COOLEY, individually and in his official )  
18 capacity; CURTIS HAZELL, )  
19 individually and in his official capacity, )  
20 JOHN SPILLANE, individually and in )  
21 his official capacity; JOHN ZAJEC, )  
22 individually and in his official capacity; )  
23 JACQUELYN LACEY, individually and )  
24 in her official capacity, PETER A. )  
25 BURKE, individually and in his official )  
26 capacity; JANET MOORE, individually )  
27 and in her official capacity; MARIO )  
28 TRUJILLO, individually and in his )  
official capacity; LANCE WONG )  
individually and in his official capacity )  
and DOES 1 - 10 and DOES 1 - 10 )

Defendants. )

Case No. CV 09-7931 ODW (SSx)

**CLASS ACTION**

~~PROPOSED~~  
**FIRST AMENDED COMPLAINT  
FOR DAMAGES, INJUNCTIVE  
RELIEF, AND DECLARATORY  
RELIEF**

**DEMAND FOR JURY TRIAL**

## PRELIMINARY STATEMENT

1  
2 1. This case arises from an anti-union policy implemented by Defendant  
3 Steven Cooley, the District Attorney of Los Angeles County, and his senior officials.  
4 They have called the president of the employees' union representing deputy district  
5 attorneys, plaintiff STEVEN J. IPSEN (hereinafter "Ipsen") a "crook." Worse, they  
6 have declared that prosecutors who join the union, a group including the Plaintiffs  
7 named herein, are "ratifying dishonesty" and are "contaminated," thereby justifying  
8 "disastrous" career consequences for any such deputy.

9  
10 2. Remarkably, Defendants admitted in sworn testimony that they retaliate  
11 against prosecutors who join the union. As described in detail below, the victims of  
12 Defendants' discriminatory policy are some of the best and brightest prosecutors in  
13 the District Attorney's Office. Defendants' discriminatory acts include transferring  
14 senior union members to juvenile courts, assignments reserved for young,  
15 inexperienced prosecutors. For more experienced prosecutors, such transfers amount  
16 to a career death sentence. These assignments often involve substantial commutes  
17 from prosecutors' residences and are referred to by Defendants as "freeway therapy."  
18 Defendants are also retaliating against union-represented prosecutors by threatening to  
19 reduce their health care benefits beginning in January 2010.

20  
21 3. Defendants use District Attorney Investigators (*i.e.*, law enforcement  
22 officers working directly for Defendants) to harass and intimidate the union's most  
23 active members as well as their allies in the media, a practice harkening back to the  
24 kind of 19th Century thuggery commonly employed against union organizers. On at  
25 least one occasion, DA Investigators have attempted to manufacture evidence that a  
26 heterosexual union board member engaged in homosexual conduct, a tactic they have  
27 employed against targets in other cases.

4. Each of these acts constitutes an adverse employment action substantially motivated by protected association and/or speech, including speech touching on public policy as set forth herein.

5. Defendants' retaliation against Ipsen, the union's president has been especially severe, involving numerous punitive transfers, an illegal suspension without pay and inclusion of false allegations in his most recent performance evaluation.<sup>1</sup>

6. Plaintiffs seek to exercise their First Amendment rights of freedom of speech and freedom of association to engage in union-related activities without being subjected to Defendants' policy of discrimination and intimidation.

7. Plaintiff Association of Deputy District Attorneys also brings this suit as a Class Action pursuant to F.R.Civ.P. Rules 23(a), (b)(2) and (b)(3) on behalf of the Los Angeles County Deputy District Attorneys in Grades I through IV during the period from December 2007 to February 2008 who signed union cards demonstrating their desire to become unionized employees. Plaintiffs' class-based claims arise from the unlawful disclosure to Cooley and his management officials of a list identifying each of these prosecutors, and his subsequent use of that list to intimidate, harass and slander union supporters. This disclosure illegally revealed one of the most personal and sensitive decisions employees ever make in their careers. As explained by the head of the County's independent labor agency, this disclosure may subject any union

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<sup>1</sup> Punitive transfers, law enforcement harassment (including attempts to manufacture evidence of homosexual conduct by heterosexual men), illegal suspensions, and false employee allegations are also par for the course for other deputies who exercise their First Amendment rights in ways Defendants find displeasing. See, e.g., First Amended Complaint, ¶¶ 33, 59, 67-71, filed in *Eng v. County of Los Angeles, Steve Cooley, et al.* (C.D. Cal. Case No. CV 05-2686). As detailed below, Defendants sharply increased their reliance upon these practices after Plaintiff Association of Deputy District Attorneys became a certified public employees union in March 2008.

1 supporter to “retaliation by management, which may include discipline up to and  
2 including termination under a pretense.”<sup>2</sup> Plaintiffs therefore seek damages on behalf  
3 of all prosecutors who are victims of what amounts to identity theft committed against  
4 them by Cooley and his agents.

## 5 6 JURISDICTION AND VENUE

7 8. This Court has subject matter jurisdiction over this case under 28  
8 U.S.C. § 1331, as this action arises under the First and Fourteenth Amendments to the  
9 United States Constitution; under 28 U.S.C. § 1343(a)(3), in that Plaintiffs seek  
10 redress for deprivations made under color of state law of rights, privileges, and  
11 immunities secured by the United States Constitution; under 28 U.S.C. § 1343(a)(4),  
12 in that Plaintiffs seek damages and equitable relief under 42 U.S.C. § 1983, which  
13 provides a cause of action for the protection of civil rights; under 42 U.S.C. § 1988(b)  
14 for an award of attorneys fees; under 28 U.S.C. § 2201(a) to secure declaratory relief;  
15 and under 28 U.S.C. § 2202 to secure preliminary and permanent injunctive relief.

16  
17 9. Venue is proper in the United States District Court for the Central  
18 District of California under 28 U.S.C. § 1391(b), because the events giving rise to the  
19 claims described in this Complaint occurred within Los Angeles County.

## 20 PARTIES

21 10. Plaintiff Association of Deputy District Attorneys (“ADDA”) is an  
22 employee organization (*i.e.*, public employees union) formed in accordance with Los  
23 Angeles County’s Employee Relations Ordinance. The Los Angeles County  
24 Employee Relations Commission, the County agency that oversees employee relations  
25 between the County and its public employees unions, certified ADDA as the official  
26

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27 <sup>2</sup> The class action allegations required under Cent. Dist. Local Rule. 23-2.2 are contained on  
28 pages 56 through 59 of this Complaint.

1 representative for Los Angeles County Employees Bargaining Unit 801 in March  
2 2008. ADDA has approximately 300 deputy district attorneys as members and  
3 Bargaining Unit 801 consists of deputy district attorneys in Grades I through IV.  
4 There are approximately over 700 additional deputy district attorneys who are eligible  
5 to become members of the ADDA.

6  
7 11. The Unnamed Deputy District Attorney Plaintiff is currently a deputy  
8 district attorney in the DA's Office and shall be referred to as the "Unnamed DDA."<sup>3</sup>  
9 The Unnamed DDA is eligible for ADDA membership but is not yet a member.  
10 He/she intends to join ADDA as a dues-paying member and become active in the  
11 organization's affairs once there is an injunction preventing Defendants from  
12 discriminating against ADDA members. The Unnamed DDA resides in Los Angeles  
13 County.

14  
15 12. Plaintiff Steven J. Ipsen ("Ipsen") is currently a Grade IV deputy  
16 district attorney in the DA's Office and the President of ADDA, who resides in Los  
17 Angeles County, who has been active in ADDA's affairs and in its organization prior  
18 to its certification as a bargaining unit.

19  
20 13. Plaintiff Marc Debbaudt ("Debbaudt") is currently a Grade IV deputy  
21 district attorney in the DA's office and the Vice-President of ADDA, who resides in  
22 Los Angeles County, who has been active in ADDA's affairs and in its organization  
23 prior to its certification as a bargaining unit.

24  
25  
26 <sup>3</sup> The Unnamed DDA is suing anonymously in accordance with *Does I thru XXIII v.*  
27 *Advanced Textile Corp.*, 214 F.3d 1058, 1069-1071 (9th Cir. 2000). He/she will file a motion for  
28 leave to proceed by using a pseudonym in the event that Defendants object to his/her continued  
presence in this action as an anonymous party.

1           14.       Plaintiff Hyatt Seligman ("Seligman") is currently a Grade IV deputy  
2 district attorney in the DA's office who resides in Orange County and a member of  
3 ADDA who is active in ADDA's affairs and who was instrumental in obtaining  
4 ADDA's certification as a bargaining unit, and who in 2009 became a member of  
5 ADDA's contract negotiating team.

6  
7           15.       Defendant Los Angeles County is a municipal corporation and at all  
8 times mentioned herein has been the employer of the Unnamed DDA as well as  
9 plaintiffs Ipsen, Debbaudt and Seligman. The remaining individual defendants, sued  
10 here in both their personal and official capacities, were at all relevant times mentioned  
11 herein employees and/or agents of Los Angeles County.

12  
13           16.       Defendant Steve Cooley is, and at all times herein mentioned was, the  
14 District Attorney for the County of Los Angeles. He was first elected to office in  
15 November 2000. His office has approximately 1,000 deputy prosecutors. Defendant  
16 Cooley resides in the County of Los Angeles. He is sued in his personal and official  
17 capacity.

18  
19           17.       Defendants Curtis Hazell, John Spillane, John Zajec, and Jacquelyn  
20 Lacey have been at all times pertinent to this action top ranking officials in the  
21 administration of Defendant Cooley. Each of these Defendants has authority over  
22 promotions, demotions, transfers and discipline within the DA's Office and each has  
23 illegally discriminated and retaliated against plaintiffs Ipsen, Debbaudt, Seligman and  
24 other union members in matters pertaining to promotions, transfers, and discipline.  
25 This policy is described in detail below. They are sued in their personal and official  
26 capacities.



1           18. Defendant Peter A. Burke has been at all times pertinent to this action  
2 an Assistant Head Deputy District Attorney in District Attorney's Office. He is sued  
3 in his personal and official capacity.

4  
5           19. Defendants Janet Moore, Lance Wong and Mario Trujillo have been at  
6 all times pertinent to this action members of Defendant Cooley's management team.  
7 Each of these Defendants conspired with Cooley, Burke, and other persons to violate  
8 the constitutional rights of deputy district attorneys by revealing whether they signed a  
9 union card requesting representation by ADDA, and threatening adverse employment  
10 actions against those that supported unionization as well as by slandering them. They  
11 are sued in their personal and official capacities.

12  
13           20. Plaintiffs are informed, believe and thereon allege that at all relevant  
14 times herein, each of the fictitiously named defendants was an agent, employee or co-  
15 conspirator of one or more of the named defendants, and was acting within the course  
16 and scope of said agency or employment. Plaintiffs are further informed, believe and  
17 thereon allege that each of the fictitiously-named defendants aided and assisted the  
18 named Defendants in committing the wrongful acts alleged herein, and that Plaintiffs'  
19 damages, as alleged herein, were proximately caused by such Defendants.

20  
21           21. Plaintiffs are informed, believe and thereon allege that Defendants, and  
22 each of them, conspired and agreed among themselves to do the acts complained of  
23 herein and were, in doing such acts, acting pursuant to and in furtherance of said  
24 conspiracy, and each Defendant sued herein is jointly and severally responsible and  
25 liable to Plaintiffs for the damages alleged herein.

26  
27           22. Defendants, and each of them, and/or their agents/employees knew or  
28



1 should have known that each of the remaining co-Defendants, individually and  
2 together in varying combinations, was engaging in the conduct alleged herein.

## 3 4 5 **FACTS**

### 6 7 **1.**

#### 8 **Admissions by Defendants Regarding Their Policy of** 9 **Discriminating Against ADDA, Plaintiffs Ipsen, Debbaudt,** 10 **Seligman, and other ADDA Members**

11  
12 23. On March 24, 2008, Los Angeles County's Employee Relations  
13 Commission ("ERCOM") certified ADDA as the employee organization recognized  
14 to represent the prosecutors of County Bargaining Unit 801. Prior to organizing,  
15 ADDA was an entity that served primarily as a vehicle for social events for deputy  
16 prosecutors. After certification, ADDA became a full-fledged public employees union  
17 with the same rights and responsibilities as any other County-recognized union.

18  
19 24. Shortly before ADDA's certification, ADDA Vice President Frank  
20 Tavelman sent an email to Defendant Lacey, ADDA's liaison with the  
21 Administration, requesting the DA's office state, in writing, that it would comply with  
22 State and Federal law and remain neutral regarding union issues and that it would  
23 refrain from taking punitive action against any prosecutor for exercising his or her  
24 right to join ADDA.

25  
26 25. Defendant Lacey told Tavelman that Defendants would not comply with  
27 ADDA's request. Rather than honor ADDA's request to take a neutral position,  
28

1 Defendants implemented an office-wide policy of discriminating against ADDA  
2 members regarding promotions, demotions, and transfers. This policy, and the actions  
3 of the individual Defendants taken in furtherance of this policy, shall hereinafter be  
4 referred to as Defendants' "Union Discrimination Policy."

5  
6 26. Shortly before October 17, 2008, Defendant Lacey met with Robert  
7 Dver, a 24-year veteran prosecutor and, at that time, the Assistant Head Deputy of the  
8 Training Division of the DA's Office. The Training Division is responsible for  
9 providing, *inter alia*, a one-month training seminar for all newly hired prosecutors,  
10 followed by additional seminars during the first two years of new prosecutors' careers.  
11 During their early years in the office, newly-hired prosecutors often look to their  
12 trainers as mentors and routinely seek advice from them not only relating to cases but  
13 also to office policies, both written and unwritten.

14  
15 27. Dver and Defendant Lacey were close friends prior to October 17, 2008.

16  
17 28. When they met, Dver told Defendant Lacey that he wanted to join  
18 ADDA's Contract Negotiating Team, which was scheduled to begin negotiating with  
19 Cooley's management team later in the year. ADDA believed Dver would be a  
20 significant asset to its team, as both ADDA's leadership and Defendants regarded  
21 Dver as highly ethical and one of the best prosecutors in the DA's Office.

22  
23 29. Dver told Defendant Lacey that he wanted to join ADDA's Contract  
24 Negotiating Team because he believed he could help achieve reasonable compromises  
25 between ADDA and the Cooley Administration. Dver intended to tell Defendant  
26 Cooley of his decision and sought advice from Defendant Lacey as to how best to  
27 approach him. Dver was also friends with Defendant Cooley at that time - Cooley had  
28

1 previously attended bar mitzvahs for Dver's children - and thought he should speak to  
2 Cooley face-to-face about his decision.

3  
4 30. Defendant Lacey told Dver not to join ADDA's negotiating team and  
5 also told him not to even bring up the subject with Defendant Cooley. To do so, she  
6 said, would be a "disaster" for Dver's career.

7  
8 31. Dver nevertheless met with Defendant Cooley on October 17, 2008 in  
9 order to discuss his desire to join ADDA's bargaining team.

10  
11 32. Defendant Cooley reacted to Dver's idea with disgust. He told Dver that  
12 many of ADDA's members supported unionization as a result of Dver doing so and  
13 that ADDA had exploited Dver's reputation to aid its organizational activities.

14  
15 33. Defendant Cooley then slandered ADDA's President, Steve Ipsen, by  
16 referring to him as a "crook" and declared that the prosecutors who signed the union  
17 cards leading to ADDA's certification were "contaminated."

18  
19 34. Defendant Cooley had obtained a confidential list of ADDA members  
20 who signed union cards when one of his subordinates, Peter Burke, unlawfully  
21 obtained the list from ERCOM. Immediately upon obtaining the list, Burke published  
22 it to unauthorized persons and attached it as an exhibit to a state court complaint he  
23 filed the day before Dver met with Defendant Cooley.

24  
25 35. Defendant Cooley instructed Dver to "undermine" ADDA since,  
26 according to Cooley, Dver signed a union card and encouraged other DDA's to join,  
27 and was therefore responsible for ADDA's certification as a public employees union.

1 Defendant Cooley further instructed Dver to team up with Burke and another deputy  
2 prosecutor, Tom Robinson, in their efforts to undermine ADDA.<sup>4</sup>

3  
4 36. Dver was shocked by Defendant Cooley's anti-union animus and did not  
5 agree to his demand to "undermine" ADDA and concluded that his career was over.

6  
7 37. After the meeting on October 17, 2008, Defendant Cooley transferred  
8 Dver out of the Training Division. Defendant Cooley also demoted Dver from his  
9 position as Assistant Head Deputy and stripped him of his supervisory tasks.

10  
11 38. Dver never joined ADDA's bargaining team. Plaintiffs are informed,  
12 believe, and thereon allege that Defendants' intimidation and harassment of Dver  
13 caused him to decline ADDA's offer to join its bargaining team.

14  
15 39. On July 9, 2009, Defendant Lacey testified under oath at a hearing and  
16 admitted that participation in ADDA, particularly its negotiating team, is detrimental  
17 to a deputy prosecutor's career.

18  
19 40. In response to questions posed by ADDA President Ipsen, who was  
20 representing himself at that hearing, Defendant Lacey elaborated upon Defendants'  
21 Union Discrimination Policy and her reasons for dissuading Dver from joining  
22 ADDA's bargaining team:

23  
24 Q .... Did you think it would be bad for [Dver's] career if he  
25

26  
27 <sup>4</sup> The day before the meeting between Dver and Defendant Cooley, Burke filed a lawsuit in  
28 state court alleging irregularities in a recent ADDA election. This suit is now on appeal. Tom  
Robinson now sits on the Los Angeles County Superior Court.

1 was closely allied with the Union, meaning it would lessen his  
2 chance of getting promoted to Grade Five by Steve Cooley?

3  
4 A. No. In as much as if you were the President, --

5  
6 Q. Okay.

7  
8 A. -- Yeah, I did.

9  
10 Q. And you believed that it would hurt his chances and hurt his  
11 career if he did that while I was President?

12  
13 A. I definitely thought being associated with you would hurt him.

14  
15 Q. Or even with the Union while I was President?

16  
17 A. While you were President.

18  
19 Q. Would hurt him in the sense of hurt his career?

20  
21 A. Yes.

22  
23 Q. Why did you think that?

24  
25 A. I thought that because Mr. Cooley felt that you were  
26 dishonest and felt quite frankly that anybody associated  
27 with you would be ratifying or endorsing that dishonesty.  
28

7

8

9

10 **Cooley Officials' Unlawful Acquisition and Exploitation of**  
11 **The Highly Confidential List of Prosecutors who Returned**  
12 **Union Cards**

13

18

21

25

28

1  
2 46. Every prosecutor who returned a union card had a right to privacy as to  
3 that fact under both ERCOM rules as well as clearly established federal law. Prior to  
4 submission by ADDA of the List to ERCOM, Mr. Causey expressly promised ADDA  
5 Board Members that the List would never be disclosed to members of the Cooley  
6 Administration.

7  
8 47. During a subsequent examination before ERCOM in 2009, Burke  
9 admitted that he distributed copies of the List to at least six other persons. He refused  
10 to identify these individuals and admitted that he had given each of these persons a  
11 written promise that he would never reveal their identities.

12  
13 48. ADDA successfully sought an order from the Superior Court in  
14 December 2009 requiring Burke to identify the six persons to whom he gave copies of  
15 the List.

16  
17 49. At a subsequent hearing before ERCOM in January 2010, Burke  
18 admitted that four of the persons to whom he gave copies of the List included these  
19 Cooley Administration officials: Bureau Director Janet Moore, Head Deputy District  
20 Attorney Lance Wong, who is a member of Cooley's collective bargaining team and  
21 the person assigned the task of harassing Plaintiff Ipsen in late 2009, and Mario  
22 Trujillo, a special assistant to Bureau Directors Pam Booth and John Zajec.

23  
24 50. Burke admitted giving these persons copies of the List on October 16,  
25 2008, the same day that he filed his complaint in Superior Court.

26  
27 51. The day after Burke filed his suit and gave copies of the List to top  
28



1 Cooley officials, Cooley had the meeting with Rob Dver described earlier in this  
2 Complaint. At that meeting, Cooley said that he knew Dver had signed a union card  
3 and that ADDA had used that fact to sign up hundreds of young deputies who looked  
4 up to Dver. Absent the shocking invasion of prosecutors' privacy rights resulting  
5 from the disclosure of the List by Burke and other Cooley administration officials,  
6 Cooley could not have known about Dver signing a card.

7  
8 52. Defendants have asserted that prosecutors who signed union cards --  
9 prosecutors whose identities are now known to Defendants -- are "contaminated" and  
10 that they have "ratified dishonesty" by associating with ADDA.

11  
12 53. Plaintiffs are informed, believe and therefore allege that Defendant  
13 Cooley has expressly threatened adverse employment actions against those  
14 prosecutors who have signed union cards, associated with Ipsen or joined ADDA's  
15 bargaining team.

16  
17 **3**

18 **Injuries Being Sustained by Plaintiffs as a Result of Defendants'**  
19 **Union Discrimination Policy**

20  
21 54. Defendants' Union Discrimination Policy has deprived, and is continuing  
22 to deprive, Plaintiffs and ADDA's members of their constitutional rights to freedom  
23 of association and freedom of speech in numerous ways.

24  
25 55. For example, Defendants gave written notice to all deputy prosecutors  
26 that, beginning in January 2010, the County will reduce the health care benefits of all  
27 union-represented prosecutors in the DA's Office.

1  
2         56. Besides violating both federal and state law, Defendants' threats to  
3 reduce health care benefits starting in January 2010 have hindered ADDA's ability to  
4 recruit and retain members.

5  
6         57. As detailed in the remainder of this Complaint, Defendants have also  
7 subjected Plaintiffs Ipsen, Debbaudt, Seligman and other ADDA members to punitive  
8 transfers, illegal suspensions, and intimidation by armed DA Investigators. They have  
9 called ADDA's president Ipsen a "crook" and declared that all other members of  
10 ADDA have "ratif[ied] dishonesty" by joining the union and associating with Ipsen.  
11 These smears would damage the reputation of any attorney. They are extraordinarily  
12 damaging to prosecutors, attorneys from whom the judicial system rightly demands  
13 the highest ethics. More than simply insulting, the slandering of 300 ADDA  
14 prosecutors by the men and women who run the DA's office has created a moral  
15 stigma that, left undisturbed, will cause reasonable, non-member prosecutors to think  
16 twice before joining ADDA.

17  
18         58. Each of these acts constitutes an adverse employment action substantially  
19 motivated by protected association and/or speech, including speech touching on  
20 matters relating to public policy as set forth herein.

21  
22         59. In taking these actions, Defendants seek to chill Plaintiffs' constitutional  
23 rights to freedom of association and freedom of speech by discouraging non-ADDA  
24 prosecutors, including the Unnamed DDA, from joining the union. These actions are  
25 unlawfully undermining plaintiff ADDA's representation of prosecutors in the DA's  
26 office and financially damaging plaintiff ADDA by depriving it of dues-paying  
27 members who would join the union but for Defendants' illegal actions.

1  
2         60. Defendants also seek to chill Plaintiffs' constitutional rights to freedom  
3 of association and freedom of speech by punishing Plaintiffs and other ADDA  
4 members, such as Dver, who desire to aid ADDA's Contract Negotiating Team.  
5

6         61. Defendants also have sought and continue to seek to chill Ipsen's  
7 constitutional rights to freedom of association and freedom of speech by punishing  
8 him through repeated punitive and retaliatory transfers amounting to "freeway  
9 therapy" to chill Ipsen's right to participate in ADDA bargaining sessions and other  
10 activities, and from speaking out on public policy issues critical of DA Cooley's  
11 administration, and DA Cooley, including running against him in the 2008 election,  
12 subjecting Ipsen to lowered performance evaluations, placement on an unfounded and  
13 retaliatory "Plan for Individual Improvement," and assignment to duties befitting  
14 deputy DA's of far lesser experience, which discrimination and retaliation continue.  
15

16         62. Defendants also sought and continue to seek to chill Debbaudt's  
17 constitutional rights to freedom of association and freedom of speech by punishing  
18 him through repeated punitive and retaliatory transfers amounting to "freeway  
19 therapy" to chill Debbaudt's right to participate in ADDA bargaining sessions and  
20 other activities, and from speaking out on public policy issues critical of DA Cooley's  
21 administration, and DA Cooley, including supporting opposing candidates in the 2004  
22 and 2008 elections, subjecting Debbaudt to lowered performance evaluations, and  
23 assignment to duties befitting deputy DA's of far lesser experience, which  
24 discrimination and retaliation continue.  
25

26         63. Defendants also sought and continue to seek to chill Seligman's  
27 constitutional rights to freedom of association and freedom of speech by punishing  
28

1 him through repeated punitive and retaliatory transfers and assignments. Seligman is  
2 also member of ADDA's Contract Negotiating Team. During a bargaining session in  
3 2009 Seligman questioned Defendants' denials that punitive transfers occur in the  
4 DA's office. Defendants became so irate at having a deputy prosecutor dare to ask  
5 such a question that, two days later, Seligman found *himself* on the receiving end of  
6 one of those transfers.

7  
8 64. Defendants' illegal retaliation and threats of continued retaliation against  
9 highly respected prosecutors such as Ipsen, Debbaudt, Dver and Seligman have  
10 deprived ADDA of valuable and persuasive persons to represent it in collective  
11 bargaining negotiations. Additionally, Defendants' retaliation against members of  
12 ADDA's Contract Negotiating Team including Ipsen, Debbaudt and Seligman,  
13 plaintiffs herein, in response to statements made in bargaining sessions has been  
14 intended to chill the team's ability to represent ADDA and its members. The removal  
15 of Dver and Seligman from the Training Division has further injured ADDA by  
16 depriving newly-hired prosecutors of pro-union mentors, thereby reducing the chances  
17 that newly-hired prosecutors will make the mistake of "contaminating" themselves --  
18 in the words of Steve Cooley -- by joining ADDA.

19  
20 65. Defendants' illegal retaliation and threats of continued retaliation against  
21 highly respected prosecutors such as Ipsen, Debbaudt, Dver and Seligman have  
22 deprived ADDA of valuable and persuasive persons capable of speaking on public  
23 policy matters and including "issues about which information is needed or appropriate  
24 to enable the members of society to make informed decisions about the operation of  
25 their government."

4.

**Application of the Union Discrimination Policy to Individual ADDA Members**

66. Defendants have applied their Union Discrimination Policy against ADAA members, particularly members of ADDA's Board of Directors, including Plaintiffs Ipsen, Debbaudt, and Seligman, who have actively sought to organize deputy district attorneys into a viable collective bargaining organization. Examples of how Defendants apply their Policy are detailed below.

ADDA President Steve Ipsen's Background:

67. DDA Steve Ipsen joined the Los Angeles County District Attorney's Office 1987. He has been ADDA's President since February 2002 and also served on the Board of Directors for the State Bar of California from 2002 to 2005. He is currently a Grade IV deputy.

68. Until July 15, 2009, Ipsen's supervisors had predominately rated him "Outstanding," the highest rating a deputy district attorney can receive on his or her performance evaluation ("PE").

69. One of Ipsen's "Outstanding" PE's came in 1993 from his supervisor at the San Fernando Branch of the DA's Office. This supervisor observed the following about Ipsen:

Mr. Ipsen continues to accept the most difficult and complicated cases. He has achieved exceptional results in their prosecution. He is willing

1 to spend the time necessary to adequately prepare assigned cases. He  
2 is diligent and hard working and thoroughly dedicated. He is well  
3 liked by his peers and witnesses have confidence in his ability. He has  
4 an enviable record of trial success. His legal reasoning and judgment  
5 are sound. His greatest strength lies in the fact that jurors like him.  
6 Mr. Ipsen remains an asset to this office and his skills will only  
7 improve with additional experience.  
8

9 The supervisor expressing these comments was Defendant Steve Cooley who, in  
10 1993, was the Head Deputy of the San Fernando Branch.  
11

12 70. Ipsen's prior supervisor in San Fernando, Billy Webb, congratulated  
13 Ipsen in Ipsen's 1991 PE for developing what Webb described as a "unique video  
14 process for presenting documentary evidence that generated accolades from judges,  
15 attorneys and expert witnesses alike." Webb concluded his 1991 PE by noting that  
16 "[w]e have several top flight trial attorneys here in San Fernando. [Ipsen] is one of  
17 the top two or three."  
18

19 71. After 1993, Ipsen moved to the Van Nuys Branch. Philip Wynn, Ipsen's  
20 supervisor in Van Nuys, stated the following in Ipsen's 1996 PE:  
21

22 Mr. Ipsen is an outstanding trial attorney. He has an ability to speak with  
23 the jury rather than to them. He is very comfortable in the courtroom and  
24 conveys sincerity, a belief in his cases, and a confidence which jurors are  
25 drawn to. He has been assigned several other "specials" due to his trial  
26 abilities. They include several murders and sex offense cases. Mr. Ipsen  
27 has an excellent knowledge and understanding of the law. He reasons well  
28

1 and has demonstrated judgment and common sense. His written work is  
2 organized, cogent and professional.

3  
4 72. Wynn further stated that “[o]utgoing, friendly and personable, Mr. Ipsen  
5 is popular with fellow employees. He handles witnesses and victims with sensitivity  
6 and concern. His personal appearance is professional and he makes a favorable  
7 impression inside and outside the courtroom.”

8  
9 73. Two years later, Wynn’s successor at the Van Nuys Branch wrote the  
10 following in Ipsen’s 1998 PE.

11  
12 Based on [Ipsen’s] outstanding trial skills, he has been selected to  
13 try some of the most difficult cases this branch has to offer. When  
14 particularly challenging cases arise, he is the first deputy this rater  
15 checks to see if he is available.

16  
17 74. After detailing Ipsen’s success with “two extremely difficult cases,” the  
18 supervisor further stated in Ipsen’s 1998 PE that Ipsen’s “adaptability and eagerness to  
19 do whatever is necessary that needs to be done makes him a pleasure to  
20 supervise....Mr. Ipsen’s inventive trial strategies and work ethic are well-known in the  
21 Van Nuys office. He is professional in his dealings with opposing counsel while  
22 remaining a tenacious litigator. In summary, he is seen as a formidable opponent for  
23 the best of defense attorneys.”

24  
25 75. The above-cited comments came from Defendant John Spillane, who is  
26 now Chief Deputy District Attorney, the second highest official in the DA’s Office.



1 After assuming his duties as Chief Deputy, Defendant Spillane actively enforced  
2 Defendants' Union Discrimination Policy.

3

4 76. Ipsen's performance as a trial lawyer was so good that he was assigned to  
5 the Crimes Against Police Officers ("CAPOS") unit of the DA's Office in 1999. As  
6 its title suggests, CAPOS focuses exclusively on crimes against law enforcement  
7 personnel, crimes that usually involve murders of officers. CAPOS is considered one  
8 of the most prestigious units in the DA's Office.

9

10 77. In Ipsen's 2002 PE, the supervisor at CAPOS described Ipsen's  
11 performance as follows:

12

13 Mr. Ipsen is a highly effective advocate. His advocacy is also  
14 tempered with ethics...Mr. Ipsen demonstrates initiative and good  
15 attitude. Once he commences preparation for a case he dedicates a  
16 total and complete effort. He works long hours to accomplish  
17 whatever is needed for the case. Mr. Ipsen achieves outstanding  
18 results with his methods....One of his greatest attributes as a trial  
19 lawyer is his ability to creatively and effectively respond to  
20 changing circumstances. Mr. Ipsen is well liked by his fellow  
21 prosecutors and support staff. He enjoys an excellent reputation  
22 with law enforcement. Steven J. Ipsen is an outstanding deputy  
23 district attorney who has been a valuable asset to the . . . Crimes  
24 Against Peace Officers Section.

25

26 78. The author of Ipsen's 2002 PE, Defendant John Zajec, is now a Director  
27 in the DA's office, making him one of the highest-ranking officials in the Cooley

28

1 administration. Defendant Zajec has participated directly in the enforcement of  
2 Defendants' Union Discrimination Policy.

3  
4 Defendants' Acts of Retaliation Against ADDA President Ipsen in Violation of His  
5 First Amendment Rights of Free Speech and Freedom of Association  
6

7 79. ADDA members elected Ipsen as their president in February 2002. Later  
8 that year, Ipsen made clear his goal of expanding ADDA's membership and using  
9 ADDA as a vehicle to unionize deputy district attorneys.

10  
11 80. Defendants then engaged in a series of retaliatory actions against Ipsen  
12 that dramatically intensified after ADDA became a certified union in 2008.

13  
14 81. After Ipsen assumed the presidency of ADDA in 2002, Defendants  
15 removed Ipsen from CAPOS, stripped him of most of his trial duties and limited his  
16 duties to filing criminal complaints. Defendants transferred Ipsen to the Complaints  
17 Division in retaliation for his union activism.

18  
19 82. Despite this punitive transfer, Ipsen continued meriting "Outstanding"  
20 ratings from his supervisors while he was in the Complaints Division.

21  
22 83. In June 2003, Ipsen and ADDA filed a complaint with the California  
23 Commission on Judicial Performance alleging that some Los Angeles Superior Court  
24 judges illegally ordered the release of several defendants, including one defendant  
25 who committed a murder shortly after his release. Defendant Steve Cooley strongly  
26 objected to the position Ipsen and the ADDA Board had taken, including opposing the  
27  
28

1 re-election of the judges who had ordered the release, and taking out ad space in the  
2 *Los Angeles Daily Journal* stating ADDA's position.

3  
4 84. Later in November 2003, Ipsen published an advertisement in the *Los*  
5 *Angeles Daily Journal* calling for the defeat of the judges in the next election.  
6 Defendant Cooley endorsed each of these judges and attended fundraisers to assist in  
7 their re-election.

8  
9 85. During the efforts of the ADDA and Ipsen to support ADDA candidates  
10 in this judicial race, Defendants retaliated against Ipsen, and sought to interfere with  
11 his free speech rights and efforts to organize the union, by transferring him to the most  
12 remote branch office, the Antelope Valley Branch in Lancaster, approximately 70  
13 miles north of downtown Los Angeles. As there were no open assignments in  
14 Lancaster at that time, Defendants facilitated Ipsen's punitive transfer by  
15 simultaneously transferring another Grade IV deputy out of Lancaster. This deputy  
16 had been performing well in Lancaster, and did not want to be moved from his  
17 assignment.

18  
19 86. Despite this retaliation, Ipsen continued his ADDA efforts and  
20 outstanding performance. Kerry White, Ipsen's supervisor in Lancaster, described a  
21 retrial in Ipsen's 2007 PE that Ipsen handled involving two co-defendants in a murder  
22 case. Another prosecutor handled the first trial, resulting in a "not guilty" verdict for  
23 one of the defendants and a hung jury (nine jurors voting "not guilty") for the other  
24 defendant.

25  
26 87. White had "seriously considered dismissing the case" but Ipsen "put  
27 together a compelling memorandum demonstrating how there was sufficient evidence  
28

1 to prove the case beyond a reasonable doubt.” According to White, “DDA Ipsen  
2 worked long hours putting the case together,” and ultimately convinced a jury to  
3 convict the remaining defendant. White noted that “there are probably very few  
4 attorneys in the office that could have won that retrial. DDA Ipsen is clearly an  
5 excellent trial attorney and has earned an outstanding rating for this evaluation  
6 period.”

7  
8 88. In the fall of 2004, Ipsen became aware of a ballot initiative known as  
9 Proposition 66 that threatened to dilute the three strikes law and release an estimated  
10 26,000 dangerous felons. Lead by Ipsen, ADDA actively campaigned against Prop.  
11 66, while DA Cooley did not. Just weeks prior to the November, 2004 election Prop.  
12 66 was winning by an approximate 20% margin, and Ipsen personally wrote and  
13 distributed materials entitled "The Insider" describing the deceptive claims of Prop.  
14 66, and rallied supporters, ADDA and DDA's across the state to distribute these  
15 materials. Ipsen also met with a homicide victim's brother, now wealthy victim's  
16 rights leader, in order to secure financing for a broadcast media campaign to defeat  
17 Prop. 66, and co-wrote a radio commercial days before the election featuring Govs.  
18 Schwarzenegger, Brown, Ipsen and the victims rights leader who had lost his sister to  
19 murder.

20  
21 89. Proposition 66 was defeated in the 2004 election, and following this  
22 defeat, DA Cooley attended his last ADDA meeting. During a discussion about  
23 ADDA's participation in the campaign, in front of the ADDA Board Cooley stated:  
24 "Ipsen you are such a whore."  
25  
26  
27  
28

1           90. During the fall of 2006, Ipsen and the entire ADDA board won re-  
2 election by a vote of 344 to 40. The opposing slate featured a group composed  
3 substantially of supervisory DDA's. They were again re-elected in 2007.

4  
5           91. During the spring and fall of 2006, Ipsen campaigned in support of  
6 Jessica's Law, an initiative initially opposed by Defendant Cooley as an outspoken  
7 critic.

8  
9           92. In the years leading up to the 2008 election a consensus developed on  
10 the ADDA Board that the office and county would be better served with a district  
11 attorney that had a greater concern for public safety, and the proper treatment of the  
12 attorneys employed by the office who dedicated their lives to prosecuting crime. As  
13 ADDA President, Ipsen began in 2006 and 2007 to seek viable candidates who might  
14 reflect these values and run for district attorney, or a slate of individuals who might  
15 seek to force the DA into a runoff. Several persons were contacted, and none indicated  
16 an intent or willingness to run for the office, but encouraged Ipsen to do so. Some of  
17 the persons included members of the Superior Court, DA Management, ADDA Board,  
18 and ADDA membership. When the efforts did not result in a candidate, it was  
19 determined that Ipsen would run. Though a majority of ADDA Board members  
20 signed personal endorsement statements for Ipsen, he did to seek the ADDA  
21 endorsement or do extensive fundraising within the office out of concern for  
22 retaliation by Cooley supporters. During the course of this campaign, Ipsen spoke out  
23 on issues and expressed viewpoints which were contrary to those of Defendant Steve  
24 Cooley, and exposed misconduct and failures of the DAs office in several areas,  
25 including:

26           a) Jessica's Law: Efforts by Cooley, with cooperation of other members of  
27 the court system, to ignore the provisions of Jessica's law, and undermine the voters'  
28

1 intent, which Ipsen brought to the attention of the media including the L.A. Times,  
2 resulting in a court decision mandating a longer commitment term for the most  
3 sexually violent predators – contrary to the position advocated by Cooley;

4 b) Jamiel Shaw/Immigration Issue: Ipsen campaigned aggressively  
5 that the Murder of Jamiel Shaw Jr. was the direct result of not only special order 40,  
6 but more broadly by a conspiracy between the DAs office and the criminal courts  
7 system to ignore the citizenship status of illegal aliens, particularly illegal alien gang  
8 members. Ipsen appeared with the Shaw family at a Los Angeles County Board of  
9 Supervisors meeting and spoke during the comment portion on this failure of DA  
10 policy. Ipsen spoke at a Shaw family event during his campaign at which Assistant  
11 DA Curt Hazell was present as Ipsen criticized the DA and office for the policy that  
12 allowed probation for illegal alien gang members, early release of illegal alien gang  
13 members and ordered DDAs to ignore citizen status of illegal alien gang members  
14 status when determining issues of bail and whether probation should be granted.

15  
16 93. In Ipsen's Performance Evaluation documenting his alleged drop from  
17 "Outstanding" when last rated to "Needs Improvement" in 2009, the supervisor cited  
18 Ipsen's inclusion of the defendant's status as an "Illegal Alien" in file documents as a  
19 violation of office policy. This drop in rating, based in part on Ipsen's documentation  
20 of a defendant's status as an illegal alien, subjected Ipsen to the threat of demotion or  
21 termination under civil service rules.

22  
23 94. On March 24, 2008, Ipsen and his fellow ADDA members achieved their  
24 long-sought goal of certification of ADDA by ERCOM as the employee organization  
25 recognized to negotiate on behalf of deputy prosecutors.

26  
27 95. Around May 2008, a Grade III prosecutor assigned to Antelope Valley  
28

1 requested advice from ADDA regarding intimidation by her supervisor, John  
2 Nantroup. Nantroup succeeded Kerry White as supervisor of Antelope Valley. He  
3 had unsuccessfully campaigned against Ipsen for ADDA's presidency in 2004, and  
4 has remained adversarial.

5  
6  
7 96. Nantroup's intimidation of this prosecutor began when the prosecutor  
8 learned that a deputy sheriff who was a witness in one of her cases had a history of  
9 fabricating evidence against defendants. The prosecutor notified the Brady Unit<sup>5</sup> of  
10 the DA's Office, which advised her to disclose this information to the defendant's  
11 attorney.

12  
13 97. Nantroup yelled at the prosecutor upon learning of her contact with the  
14 Brady Unit. He then ordered her not to disclose the exculpatory evidence to the  
15 defendant and to never again contact the Brady Unit.

16  
17 98. Fearing (correctly) that a failure to comply with *Brady's* mandate can  
18 expose a prosecutor to sanctions from the State Bar, the newly-hired prosecutor  
19 contacted ADDA Board Member Guy Shirley and requested advice. Shirley began an  
20 investigation of the matter. Ipsen also participated significantly in this investigation  
21 beginning in June 2008. The prosecutor remains afraid of consequences.

22  
23  
24 <sup>5</sup> The "Brady Unit" derives its name from *Brady v. Maryland*, 373 U.S. 83 (1963), a case in  
25 which the Supreme Court held that the U.S. Constitution's guarantee of due process compels  
26 prosecutors to disclose exculpatory evidence in their possession to defendants. The Brady Unit  
27 maintains records of allegations of misconduct by law enforcement officers that are subject to  
28 *Brady's* disclosure requirements. It also advises prosecutors throughout the County as to what  
evidence falls within this disclosure requirement.



1           99. The District Attorney election was held in June, 2008, at which time  
2 Defendant Cooley was re-elected, defeating Ipsen. Following this result, Defendants  
3 intensified their retaliatory efforts against Ipsen, notwithstanding that ADDA's  
4 bargaining process was underway, in what constituted a clear, unabridged effort to  
5 punish and retaliate against Ipsen for his activities in support of ADDA and for his  
6 commentary during the election campaign.

7  
8           100. After the election, and the ongoing ADDA investigation, Defendants  
9 ultimately assigned the *Brady* issue case to another prosecutor, an act which appears  
10 retaliatory to the original prosecutor who contacted the *Brady* unit.<sup>6</sup>

11  
12           101. Prior to that case being resolved, and after the election, in July, 2008  
13 Defendants transferred Ipsen, to the DA's office in Inglewood where his supervisor  
14 was Deputy District Attorney Shawn Randolph. This transfer was another punitive  
15 act by Defendants and was made over Ipsen's strong objections. In fact, on June 20,  
16 2008, Ipsen had submitted an assignment preference request and requested a transfer  
17 to the Criminal Courts Building (CCB) "Compatible with his ADDA duties and  
18 Collective Bargaining duties" and his residence which was located in West Los  
19 Angeles."

20  
21           102. On July 21, 2008, Ipsen submitted an informal email/grievance in  
22 response to the Inglewood transfer, on the grounds that it hindered his ADDA  
23 bargaining duties and that it was an assignment out of his grade.

24  
25  
26           <sup>6</sup> The Los Angeles County DA's Office has a practice of retaliating against prosecutors who  
27 seek to comply with their constitutional duties under *Brady* when such compliance undermines the  
28 integrity of law enforcement witnesses. See, e.g., *Garcetti v. Ceballos*, 547 U.S. 410, 414-415  
(2006) (describing allegations of retaliation by the DA's office against deputy district attorney who  
questioned the veracity of a Los Angeles County Sheriff's deputy).

1  
2           103. While Ipsen was assigned to Inglewood, Randolph prepared a PE for a  
3 younger, Grade II prosecutor who was also assigned to Inglewood and rated her "Not  
4 Competent." This PE was inaccurate and omitted numerous positive aspects of this  
5 prosecutor's performance. Randolph's evaluation resulted in the prosecutor's  
6 demotion from Grade II to Grade I.

7  
8           104. In December 2008, Ipsen acted as a union steward for the demoted  
9 prosecutor and met with Randolph to explain why the prosecutor should be re-  
10 evaluated. Additionally, ADDA retained counsel on behalf of the prosecutor. As a  
11 result of the efforts by Ipsen, ADDA, and the attorney hired by ADDA, the  
12 prosecutor's evaluation was changed from "Not Competent" to "Competent" and the  
13 prosecutor being restored to Grade II status with recovery of all of her lost wages that  
14 had resulted from her unlawful demotion.

15  
16           105. On or about March 4, 2009, Ipsen was handed a letter advising him that  
17 he was again being transferred against his wishes, this time to the Compton Court as a  
18 calendar deputy. This transfer was Ipsen's second transfer within one year, the normal  
19 transfer time being once every FOUR to FIVE years, and was to commence on March  
20 23, 2009. This transfer would result in Ipsen being supervised by Lance Wong, a  
21 member of Defendant Cooley's negotiating team which opposes ADDA. This  
22 transfer, an act of retaliation against Ipsen, added an additional 20 to 30 minutes to  
23 Ipsen's daily one-way commute, and again, constituted "freeway therapy."

24  
25           106. At the same time, on March 4, 2009, in a further act of retaliation against  
26 Ipsen, two armed DA Investigators again hand delivered a letter to Ipsen notifying  
27 him that Defendants had suspended him for two days without pay for alleged  
28

1 misconduct during the meeting Ipsen had with Randolph in December 2008 in which  
2 Ipsen acted as union steward, the suspension was scheduled to coincide with Ipsen's  
3 "transfer" to Compton Court, in that the two days' suspension were to be served March  
4 20 through March 21, 2009, returning Ipsen to work at his "regularly scheduled time"  
5 on March 23, 2009 – except that it was at his "new" assignment at Compton Court.

6  
7 107. The allegations Defendants made against Ipsen about his meeting with  
8 Randolph were false. Defendants did not give Ipsen any opportunity to rebut the  
9 allegations. Moreover, Ipsen acted in his capacity as a union steward during the  
10 December 2008 meeting. Accordingly, Ipsen was not subject to employer discipline  
11 for his actions during this meeting. Any objections Defendants had regarding Ipsen's  
12 actions as a union steward were required to be handled by filing complaints with  
13 ERCOM, not "handled" by armed DA Investigators and illegal suspensions.

14  
15 108. ADDA continued its bargaining process into 2009, however, bargaining  
16 ended in April, 2009, because Defendant Cooley's bargaining team admitted it had no  
17 authority to agree to any provision which were being discussed, known as "surface  
18 bargaining" and because the DA's office was not willing to meet in good faith.  
19 ADDA and its Board filed an Unfair Labor Practice charge for this failure to bargain.

20  
21 109. On May 28, 2009, Ipsen examined Robert Dver at an ERCOM  
22 administrative proceeding. It was then that Dver testified publicly, for the first time,  
23 about the Union Discrimination Policy that Cooley had revealed to Dver when the two

1 met in October 2008.<sup>7</sup> Ipsen followed up on July 9, 2009 with an examination of  
2 Defendant Lacey, at which she admitted to the existence of Defendants' Policy.<sup>8</sup>

3  
4 110. Less than a week after Lacey's bombshell testimony, Defendants again  
5 retaliated against Ipsen by presenting him with a "Needs Improvement" PE rating.  
6 This rating was presented in an untimely fashion, and illegally based on Randolph's  
7 false allegations relating to Ipsen's intervention in December 2008 on behalf of the  
8 Grade II prosecutor that Randolph had falsely maligned. It was also based upon  
9 misleading statements by Nantroup, Ipsen's former supervisor in Antelope Valley and  
10 the perpetrator of the *Brady* violation Ipsen and ADDA had previously investigated.<sup>9</sup>

11  
12 111. Concurrently with the "needs improvement" rating, which was rife with  
13 mischaracterizations and prepared by individuals who were, and are, members of  
14 Defendant Cooley's bargaining team, Defendants presented Ipsen with a retaliatory  
15 "Plan for Individual Improvement" "PII" to be effective between July 15, 2009 and  
16 October 30, 2009.

17  
18 112. The "Needs Improvement" PE and accompanying "PII" subjected Ipsen  
19 to possible demotion or termination at anytime until October 30, 2009.

20  
21  
22  
23  
24  
25  
26 <sup>7</sup> See *supra*, ¶¶ 31-37.

27 <sup>8</sup> See *supra*, ¶ 39.

28 <sup>9</sup> See *supra*, ¶ 97.

113. Defendants issued this PE and implemented the PIP just two days before the beginning of ADDA's campaign to achieve agency shop.<sup>10</sup> Defendants timed the disclosure of Ipsen's false PE to disrupt his ability to campaign for agency shop.

114. Ipsen advised HDDA Lance Wong that the PE was untimely, did not follow procedure, and requested that the PE process be postponed until after the ADDA agency shop election since Ipsen would be consumed with the election process and would not have sufficient opportunity to prepare a proper response or file grievances to challenge the PE. HDDA Wong denied the request without hesitation, or further inquiry, begging the conclusion that this false and unfounded PE and PII were designed specifically to disrupt Ipsen during the Agency Shop election process.

115. Throughout the PII period, Ipsen was continually subjected to retaliatory and disparate treatment by his supervisors, including AHD John Gilligan denying Ipsen rights to representation, and to document meetings regarding his progress on the plan; denying Ipsen documentary back-up for his false and unfounded PE by ADA Jacqueline Lacey; requiring Ipsen to perform procedures not required of other DDA's; AHD Gilligan and HDDA Wong accusing Ipsen of substandard performance without being able to cite any specific instances or examples thereof; falsely claiming that Ipsen had been advised of a non-existent "noon calendar" policy and a violation thereof; HDDA Wong falsely accusing Ipsen of improper use of staff resources to assist in pulling files although there is no office policy on use of staff in this manner; and HDDA Wong's bad faith rejection of Ipsen's efforts to exceed expectations by summarily rejecting Ipsen's offer to be available to young DDA's during the lunch break daily and after work to act as a trial adviser; Ipsen's preparation of materials for

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<sup>10</sup> An agency shop election is one in which members of a County bargaining unit vote to determine whether union dues shall become mandatory for all members of the unit.

DDA's as part of a calendar workplan, which were placed in a notebook form to keep important forms and information at the DDA's fingertips, which Wong felt was "contrary to the office's effort to go paperless;" (These notebooks were welcomed by the DDA's who received them and many suggestions for additions thereto were also submitted); and Wong's assertion that Ipsen had "failed" to train DDA's how to use the Red Book tracking procedure for the Calendar Court. (However, later it was determined that there is no policy to use a Red Book Procedure and HDDA Wong instructed Ipsen to teach the young DDA's "whatever method" he used, and Ipsen did so, although to Ipsen's knowledge no other calendar DDA has ever been required to engage in such training activity.)

116. Ipsen was assigned to the Compton Branch until approximately October, 2009. His supervisor in Compton, Lance Wong, was a member of Defendant Cooley's management negotiating team, the counterpart of ADDA's Contract Negotiating Team. Since Ipsen's transfer to Compton, Wong has been manufacturing grounds that could be used by Defendants to discipline, demote or terminate Ipsen.

117. Approximately one week prior to the of Ipsen's Performance Improvement period, near the end of October, 2009, Ipsen was again transferred against his wishes, this time back to Lancaster (Antelope Valley). Ipsen objected to this transfer as another incidence of "freeway therapy" and as a union hardship due to interference with collective bargaining obligations, and other union activities, and as a hardship on Ipsen's family since he has a small child and his spouse works in the West Hollywood area. Due to child care responsibilities, and these additional obligations, Ipsen has continually requested to be near Downtown Los Angeles. Defendants have repeatedly ignored Ipsen's requests, notwithstanding that such requests are routinely considered when making assignments.

1  
2 118. This punitive and undesirable "transfer" was effected even though Ipsen  
3 "passed" his Performance Improvement Evaluation, and was rated "competent" – an  
4 evaluation which again, is unjustifiably low, full of inaccuracies and innuendo,  
5 retaliatory, and caused Ipsen damages due to the uncertainty of his assignment.  
6

7  
8  
9 Defendants' Use of DA Investigators to Gag Media Coverage of ADDA  
10

11 119. Defendants have used DA Investigators to intimidate and harass media  
12 outlets that have associated with ADDA and President Ipsen.  
13

14 120. One example is the Full Disclosure Network, a cable news program  
15 managed by Leslie Dutton, an Emmy-award winning producer.  
16

17 121. In late 2006 and early 2007, Dutton attempted to organize a law  
18 enforcement training conference at the Bonaventure Hotel in Los Angeles entitled  
19 "Gangs, Drugs and Immigration."  
20

21 122. In a letter dated March 14, 2007, Los Angeles County Sheriff Lee Baca  
22 stated to Dutton that he was "pleased to be a co-sponsor" and further stated that "[i]t is  
23 with great enthusiasm that I endorse this project and urge law enforcement personnel  
24 to support and attend the conference."  
25

26 123. ADDA President Steve Ipsen sent a letter to Dutton on May 23, 2007,  
27 stating that ADDA was proud to co-sponsor the conference with Sheriff Baca.  
28



1  
2 124. Shortly thereafter, Dutton e-mailed an announcement regarding the  
3 conference to deputy prosecutors in the DA's Office. This e-mail explained that the  
4 sponsors of the conference included ADDA.

5  
6 125. On July 5, 2007, two armed DA Investigators showed up unannounced at  
7 Dutton's office. The Investigators repeatedly demanded that Dutton tell them who  
8 had given her the e-mail addresses for deputy district attorneys to whom Dutton had e-  
9 mailed the conference announcement.

10  
11 126. Dutton asked the Investigators why they insisted upon this information.  
12 The Investigators responded that the DA Office's computer system needed to be  
13 protected from viruses.

14  
15 127. When Dutton asked the Investigators if any of the e-mails she sent had  
16 contained viruses, they admitted that none had.

17  
18 128. Dutton asked if she had done anything illegal in sending the e-mails. The  
19 DA Investigators admitted that nothing illegal had occurred, begging the question of  
20 why two armed investigators arrived unannounced at Dutton's office in the first place.

21  
22 129. Two weeks after DA Investigators interrogated Dutton, the Los Angeles  
23 Sheriff's Department withdrew its support for the conference. Dutton was forced to  
24 cancel it.

1 130. Plaintiffs are informed, believe, and thereon allege that Defendants  
2 pressured the Sheriff's Department to withdraw its support from Dutton's conference  
3 due to ADDA's participation in it.<sup>11</sup>

4  
5  
6 ADDA Vice President Marc Debbaudt's Background:

7  
8 131. DDA Marc Debbaudt is Vice President of ADDA and has been since  
9 2002. He currently sits on ADDA's Labor Committee, Litigation Committee,  
10 ERCOM committee, and Contract Negotiating Team.

11  
12 132. In Debbaudt's 2009 PE, his supervisor described Debbaudt as "the best  
13 calendar deputy I have ever seen in the office."

14  
15 133. Debbaudt's prior supervisors have heaped similar praises on him. In  
16 January 2005, Debbaudt's supervisor in the San Fernando Branch, Beverly Campbell,  
17 made these comments in Debbaudt's PE that year:

18  
19 Marc is an excellent calendar deputy and is highly regarded by his  
20 peers and subordinates as well as the defense bar and bench. He has  
21 won the trust and admiration of his judge as well as the public  
22 defenders assigned to his court. Marc is an excellent mentor and  
23 counselor. He has done an outstanding job in maintaining a  
24

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25 <sup>11</sup> This is not the first time Defendants have used DA Investigators to bully small media outlets.  
26 In May 2002, after obtaining an illegal search warrant, Defendants ordered DA Investigators to raid  
27 the Los Angeles offices of the *Metropolitan News*. Their behavior prompted a *Los Angeles Times*  
28 editorial comparing the DA Investigators who conducted the raid to "thugs" and "vandals." See The  
D.A.'s Press Attack, *Los Angeles Times*, May 4, 2002.

1 professional atmosphere in his court. The public defenders feel  
2 confident that perceived grievances are handled appropriately. Mr.  
3 Debbaudt has outstanding interpersonal skills and is extremely  
4 approachable. As a result, he routinely solves problems before they  
5 become of crisis proportion. He performs well in new situations and  
6 does so with a minimum of instructions. However, he seeks  
7 guidance when appropriate and communicates potential problems to  
8 his supervisors. Judge Taylor is effusive in praising him not only for  
9 his calendar management but also for his ability to get along with  
10 everyone in the courthouse. Mr. Debbaudt's legal knowledge, legal  
11 reasoning, judgment, and oral and written presentations are  
12 excellent. Marc is a team player who willingly tries cases as well as  
13 runs a calendar. His calendar management is excellent. He always  
14 knows his cases and is well prepared on both the facts and the law.  
15

16  
17 Mr. Debbaudt is sensitive to the needs of victims and witnesses. He  
18 is well liked and has a delightful sense of humor. He can always be  
19 depended upon to handle sensitive situations in an appropriate  
20 manner. He is a credit to the office and a pleasure to supervise.  
21

22 134. Campbell's successor at the San Fernando Branch, Michael Grosbard,  
23 wrote an equally glowing PE in December 2006 regarding Debbaudt's work:  
24

25 [Debbaudt] possesses a unique combination of intelligence,  
26 experience, and common sense that result in excellent judgment. His  
27 legal knowledge is extensive and his ability to engage in legal  
28

1 reasoning is unparalleled. Mr. Debbaudt's calendar is always  
2 organized and well prepared. He provides guidance to the deputies  
3 assigned to his court and assigns work in a fair and evenhanded  
4 manner. He is cognizant of and adheres to office policy.

5  
6 Mr. Debbaudt willingly assists in the operation of the office in any  
7 way he can. He has a terrific attitude, providing legal advice or  
8 personal assistance to anyone who is in need. Mr. Debbaudt  
9 supervises the law clerks and legal interns, teaching them how to  
10 conduct preliminary hearings, motion writing and otherwise making  
11 sure that they have a positive experience here. He is well liked and  
12 respected by everyone in this office and by bench officers and  
13 defense attorneys as well.

14  
15 He has the highest ethical standards and conveys the importance of  
16 ethical behavior to those he works with and supervises. He is a credit to  
17 the legal profession. Mr. Debbaudt fully deserves an outstanding rating.  
18

19  
20 Defendants' Acts of Retaliation Against Debbaudt in Violation of His First  
21 Amendment Rights of Free Speech and Freedom of Association

22  
23 135. For most of his career with the DA's office, Debbaudt has been vocal  
24 about issues of public concern, often voicing opinions, adverse to those of DA Steve  
25 Cooley.

1           136. From approximately 1998 through 2008, Debbaudt cohosted the cable  
2 public access television show "Public Comment With John Harrold" based in  
3 Glendora, California, a broadcast which over the years regularly featured commentary  
4 critical of the District Attorney's office, including defendant Cooley's actions and  
5 policies. Debbaudt has suffered ongoing retaliation from DA Cooley and his  
6 administration as a result of his exercise of his First Amendment Free Speech rights,  
7 by speaking out on these issues of public concern.

8  
9           137. In or around 2005-2006, Debbaudt discussed as co-host on a cable  
10 television show District Attorney Steve Cooley's run for Attorney General and  
11 Debbaudt's support for Cooley's opponent, Former Governor Jerry Brown. Following  
12 this broadcast Steve Cooley sent Debbaudt a copy of a photograph of Debbaudt and  
13 Brown with a handwritten statement by Cooley - which Debbaudt understood as a  
14 threat to him for supporting the candidate of his choice. In each of Cooley's  
15 campaigns for District Attorney Debbaudt has also openly discussed and opposed  
16 Steve Cooley's candidacy, and supported one of his opponents. Debbaudt's support  
17 and association with Cooley's political opponents has resulted in additional retaliation  
18 and punitive and adverse employment actions, including adverse transfers,  
19 assignments and lowered evaluations.

20  
21           138. On or about May 30, 2007, Debbaudt also discussed as co-host,  
22 previously undisclosed allegations that Assistant District Attorney Curt Hazel had  
23 impregnated a material witness in a Special Circumstance Death Penalty case. Curt  
24 Hazel is Steve Cooley's de facto Chief Deputy, who heads the Special Circumstances  
25 committee which decides if the DA's office will pursue the Death Penalty in any case.  
26 Deputy District Attorney James Bozajian, also an ADDA Board Member, was a guest  
27 on the cable access television show and discussed the retaliation he received by  
28

1 Assistant District Attorney Curt Hazel, when the evidence was revealed. The penalty  
2 phase was subsequently overturned due to Hazel withholding material exculpatory  
3 evidence from the defense. The effect on this case of Hazel's actions is still unfolding.  
4

5 139. In or around April, 2003, Debbaudt discussed and also wrote a newsletter  
6 article, in a publication called "Internal Affairs" which was distributed throughout the  
7 DA's Office, that criticized District Attorney Steve Cooley's settlement in a matter  
8 involving *Newhall Land and Farming Company*, and an apparent conflict of interest  
9 therein, since Newhall was represented by a close friend of Steve Cooley's, Robert  
10 Philobosian, a former L.A. County District Attorney, and the godfather of Cooley's  
11 children, with whom Cooley owns a cabin. Philobosian achieved a "miracle"  
12 settlement of this case, which was also reported upon by other newspapers. Prior to  
13 this publication, Defendant Cooley attempted to intimidate Debbaudt and dissuade  
14 him from speaking out. Subsequent thereto, Debbaudt has been punished through  
15 punitive transfers and lowered evaluations.  
16

17 140. During another broadcast, Debbaudt proved up a crime by a former  
18 mayor of Glendora and sent a copy of that show and the documentary evidence  
19 supporting the crime to the DA's Public Integrity Division. That was over 5 years ago.  
20 There has been no response or prosecution. Debbaudt has previously accused Cooley  
21 of complicity in covering up corruption in Glendora and has opined that Cooley has  
22 misrepresented his dedication to the pursuit of public integrity.  
23  
24

25 141. Debbaudt also commented about the punitive and retaliatory transfer of  
26 John Harrold, another ADDA Board member. Harrold was transferred to El Monte.  
27 Before that, he was transferred 7 times in a 2 week period to a juvenile assignment  
28

1 clear across the county from his home – another example of "Freeway Therapy."  
2 Harrold grieved that transfer, and Debbaudt prepared the grievance. DA Director,  
3 Richard Doyle, heard the Grievance (notwithstanding that he was also a subject  
4 thereof), lost his composure at the hearing, and threatened to destroy Harrold's career  
5 as retaliation for filing the Grievance. The grievance was sustained. Debbaudt  
6 continues to be the recipient of retaliation and punishment for supporting this  
7 grievance and exposing the DA's office' tactics.  
8

9  
10 142. In August, 2009, Debbaudt, publicly criticized Cooley's policy to  
11 discourage prosecutors from seeking a third strike for third felonies that are "not  
12 violent" – citing as an example the recent Lily Burke murder, which, according to  
13 Debbaudt, might have been precluded in 2006 but for a paperwork error which  
14 Cooley's office should have caught.

15  
16 143. Debbaudt said that LA prosecutors who sought permission to set aside  
17 Cooley's approach "risk" being criticized and ignored as he was. Prosecutors who do  
18 seek to push Three Strikes are punished with punitive transfers and other adverse  
19 employment actions. Following this commentary Debbaudt continues to be subject to  
20 punitive assignments, transfers and further retaliation.

21  
22 144. Debbaudt has also been an active member of ADDA for most of this  
23 decade and has been a vocal supporter of unionizing deputy prosecutors.

24  
25 145. In 2004, he was endorsed by ADDA as a candidate who ran  
26 unsuccessfully against Los Angeles Superior Court Judge Daniel Oki, the Supervising  
27 Judge of the County's Criminal Courts, due to allegations that Judge Oki had  
28



1 unlawfully released numerous violent offenders.<sup>12</sup> Thereafter, Steve Cooley endorsed  
2 Judge Oki. the Supervising Judge of the Criminal Courts chose to release in excess of  
3 30 criminal defendants after Memorial Day weekend, one of whom thereafter  
4 murdered a citizen. Steve Cooley, as District Attorney, remained silent in the face of  
5 this tragedy, whereas the ADDA as a Board chose to challenge this judge's dangerous  
6 actions. At the encouragement of the ADDA and with their endorsement Debbaudt ran  
7 for judicial office against this judge, a personal friend of Cooley's who Cooley  
8 decided to endorse despite this unjustifiable and tragic debacle.

9  
10 146. In October 2005 DA Investigators began harassing Debbaudt while  
11 ostensibly investigating a complaint that Michael Kraut, an openly gay deputy district  
12 attorney in San Fernando, was creating a "hostile work environment."

13  
14 147. Three DA Investigators and a prosecutor interrogated Debbaudt at the  
15 San Fernando Police Station regarding the complaint against Kraut. The interrogation  
16 lasted approximately an hour and forty-five minutes.

17  
18 148. Debbaudt's interrogators repeatedly asked Debbaudt how he knew Kraut  
19 was gay.

20  
21 149. DA Investigators asked these questions despite knowing that Kraut was  
22 openly gay and that his sexual orientation was common knowledge throughout the  
23 San Fernando office.

24  
25  
26  
27 

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<sup>12</sup> See, *supra*, ¶¶ 83-84.  
28

1           150. DA Investigators kept asking Debbaudt **how** Debbaudt knew that Kraut  
2 was gay. From the tone and manner of their questioning, it was clear that DA  
3 Investigators were questioning Debbaudt's own sexuality. Debbaudt, who is  
4 heterosexual, finally stated that he had not had sex with Kraut and therefore could not  
5 testify from first-hand experience that Kraut was, in fact, gay.

6  
7           151. In July 2007, Debbaudt wrote a letter on ADDA letterhead on behalf of  
8 ADDA to unions throughout Los Angeles County asking them to withhold support  
9 from Cooley's 2008 campaign for re-election due to Cooley's anti-union actions.

10  
11           152. Subsequently, Defendant Lacey attended one of ADDA's board meetings  
12 and said that Steve Cooley had directed her to inquire if Debbaudt had the authority of  
13 the ADDA to send the letter. Thereafter, Defendant Lacey stated that Steve Cooley  
14 directed her to investigate the allegations contained in the letter and to discredit  
15 Debbaudt and the letter. She did not explain what authority Defendant Cooley had to  
16 use County resources to discredit the political criticisms of Cooley that were contained  
17 in the letter.

18  
19           153. During several ADDA meetings in the summer of 2008, Debbaudt  
20 repeatedly criticized Defendants' unilateral imposition of a new Performance  
21 Evaluation system [PERSA] upon deputy district attorneys, without negotiation with  
22 the ADDA. Debbaudt drafted the unfair labor practices complaint which was filed  
23 with ERCOM challenging the legality of these new PE procedures which are a subject  
24 of mandatory bargaining.

25  
26           154. In September 2008 Defendants subjected Debbaudt to a punitive transfer  
27 as a result of his role in drafting this complaint as well as for other acts taken in his  
28

1 capacity as an ADDA member.

2  
3 155. Defendants first decided in September 2008 to transfer Debbaudt to an  
4 entry-level position in the East Lake Juvenile Court.

5  
6 156. Juvenile court assignments are almost always filled by inexperienced  
7 deputies, not those such as Debbaudt with twenty-plus years of experience and  
8 “Outstanding” ratings from supervisors.

9  
10 157. Days later, by October 9, 2008, Defendants decided to transfer Debbaudt  
11 to an entry-level assignment in Pomona Juvenile Court, an assignment located 42  
12 miles from Debbaudt’s home – a long commute is commonly referred to in the District  
13 Attorney’s office as an act of “freeway therapy.”

14  
15 158. Significantly, at this time, ADDA was preparing to enter into its contract  
16 negotiations and, similar to Ipsen, Defendants undertook to transfer Debbaudt to an  
17 assignment located as far away from downtown Los Angeles – the situs of the  
18 bargaining sessions – as possible, in what can only be explained as a deliberate effort  
19 to interfere with contract negotiations.

20  
21 159. Defendant Lacey, through her attorney, later admitted that “Mr.  
22 Debbaudt was not transferred as part of the usual, normal every couple of months  
23 transfer.” She also admitted that, though office policy is to transfer deputies based  
24 upon the needs of the office, there was no legitimate need in Pomona Juvenile for  
25 Debbaudt. She further admitted that Defendant Cooley himself ordered Debbaudt’s  
26 transfer, that such orders from Steve Cooley were infrequent, and that Debbaudt was

1 the only Grade IV deputy district attorney that she was aware of transferred to an  
2 entry-level juvenile assignment.

3  
4 160. Debbaudt reported for work in Pomona Juvenile on October 16, 2008.  
5 His last day of work there was December 5, 2008, at which time he was scheduled to  
6 begin work at Sylmar Juvenile Court on December 8, 2008. On December 6, 2008  
7 Debbaudt severely fractured his right tibia and was on medical leave until February  
8 23, 2009, at which time his doctor released him to commence work at Sylmar Juvenile  
9 Court.

10  
11 161. Debbaudt's supervisor at Pomona Juvenile Court was Abram Weisbrot.

12  
13 162. In January 2009, Weisbrot issued a PE that rated Debbaudt substantially  
14 lower than any of the prior PEs he had received in his 24-year career with the office.  
15 For each of the prior 23 years with the County of Los Angeles, Debbaudt received  
16 "Outstanding" PEs. Weisbrot's evaluation reduced Debbaudt's rating by two tiers, to  
17 "Meets Expectations." Defendants provided no explanation for this two-tier  
18 downgrade.

19  
20 163. Weisbrot issued this PE after Debbaudt had worked for less than two  
21 months in Pomona, despite the fact that (1) Grade IV deputies are almost never issued  
22 a PE until they've been in at an assignment for over one year and (2) Debbaudt's  
23 supervisor, for whom Debbaudt had served for eight months of the 2008 rating period,  
24 described Debbaudt as "the best calendar deputy I have ever seen in the office."

25  
26 164. After Debbaudt spent two months in Pomona Juvenile Court, Defendants  
27 transferred him to the Sylmar Juvenile Court in January 2009.

1  
2 165. Defendants made this transfer despite the fact that Grade IV  
3 deputies such as Debbaudt are normally permitted to stay in a particular assignment  
4 for on average approximately three and one half years. Debbaudt currently remains at  
5 his Sylmar Juvenile assignment.

6  
7 Hyatt Seligman's Background  
8

9 166. Another active ADDA member who has been subject to Defendants'  
10 discriminatory policies is Hyatt Seligman, a 30-year veteran of the DA's office and, at  
11 all times pertinent to this action, a member of ADDA.

12  
13 167. For much of the first half of his career in the DA's Office, Seligman tried  
14 murder cases involving defendants claiming mental disease as a defense.

15  
16 168. Seligman is arguably the most knowledgeable prosecutor in the state on  
17 the subject of mental defenses in criminal cases. He authored the practice guide on  
18 mental defenses used by the California District Attorneys Association and distributed  
19 to prosecutors throughout the state.

20  
21 169. From 1996 to 2006, Seligman was assigned to the Training Division of  
22 the DA's Office. During that time, he personally trained hundreds of new deputy  
23 prosecutors for the office. Seligman received "Outstanding" ratings during the entire  
24 time he was assigned to the Training Division.

25  
26 170. In May 2006, Seligman was assigned to the position of Deputy-In-  
27 Charge of the Psychiatric Section of the DA's Office, a unit of the office specializing  
28

1 in issues involving competency of defendants to stand trial and extensions of  
2 involuntary commitments in state hospitals for mentally disordered offenders found  
3 not guilty of crimes by reason of insanity.

4  
5 171. As the Deputy-In-Charge of the Psychiatric Section, Seligman supervised  
6 other deputies assigned to the unit. Seligman performed numerous tasks that had not  
7 been performed by his predecessor. He consulted, almost on a daily basis, with both  
8 of the Superior Court judges assigned to hear psychiatric cases as well as all of his  
9 deputies, most of the defense attorneys who specialized in psychiatric cases, and the  
10 psychiatrists who routinely testified as expert witnesses.

11  
12 172. Seligman routinely visited mental hospitals run by the California  
13 Department of Mental Health. He also visited separately-run juvenile mental health  
14 centers and volunteered to speak with sexual offenders and their families. He even  
15 donated some of his used suits to a job-interview program established for them.

16  
17 173. He participated in a panel discussion held at Patton Hospital that was  
18 televised live to all five state hospitals and all the mental health psychiatrists and  
19 technicians and social workers. Seligman consulted with the Hospital's directors and  
20 their administrative and treating psychiatrists and provided lectures for their benefit.

21  
22 174. Seligman lectured to psychiatric fellows at USC and cross-examined  
23 psychiatric fellows from UCLA in mock training exercises. He also met with officials  
24 from the National Association of Mental Illness in order to develop programs that  
25 accommodated both the needs of the mentally ill accused of violent felonies while  
26 also protecting society from them.

175. The DA's Office tasked Seligman with responsibility for reviewing legislative proposals affecting the mentally ill and the criminal justice system. He provided key input that Governor Arnold Schwarzenegger relied upon in vetoing a poorly drafted bill concerning the establishment of criminal courts devoted to the mentally ill. Seligman also played a key role in drafting a bill to allow prosecutors to select an expert to examine a defendant who puts his or her mental state at issue in a criminal case. Governor Schwarzenegger signed this bill, AB 1516, on October 11, 2009.

176. While at the Psychiatric Section, Seligman volunteered to lecture to deputy prosecutors at the DA's offices throughout the County on how to process and litigate competency and conservatorship issues and the interplay between these issues and issues arising in criminal cases. He continued training all newly-hired deputies on trial advocacy and other key legal issues and doctrines. He also regularly lectured to various law enforcement agencies throughout the County on issues such as Confession Law and Search and Seizure.

177. During the time he was assigned to Psychiatric Section, Seligman received "Outstanding" ratings from his superiors.

Defendants' Acts of Retaliation Against Seligman in Violation of His First Amendment Rights of Freedom of Speech and Freedom of Association

Seligman's 2008 Punitive Transfer